

REFERENCE TITLE: behavioral health examiners; omnibus

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2325

Introduced by
Representatives Reagan, Bradley

AN ACT

AMENDING SECTIONS 32-3253, 32-3272, 32-3273, 32-3274, 32-3279 AND 32-3321,
ARIZONA REVISED STATUTES; REPEALING LAWS 2006, CHAPTER 291, SECTION 5;
RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3253, Arizona Revised Statutes, is amended to
3 read:

4 32-3253. Powers and duties

5 A. The board shall:

6 1. Adopt rules consistent with and necessary or proper to carry out
7 the purposes of this chapter.

8 2. Administer and enforce this chapter, rules adopted pursuant to this
9 chapter and orders of the board.

10 3. Issue a license by examination, reciprocity or temporary
11 recognition to, and renew the license of, each person who is qualified to be
12 licensed pursuant to this chapter. The board must issue or deny a license
13 within one hundred eighty days after the applicant submits a completed
14 application.

15 4. Establish a licensure fee schedule annually, by a formal vote at a
16 regular board meeting.

17 5. Collect fees and spend monies.

18 6. Keep a record of all persons licensed pursuant to this chapter,
19 actions taken on all applications for licensure, actions involving renewal,
20 suspension, revocation or denial of a license or probation of licensees and
21 the receipt and disbursement of monies.

22 7. Adopt an official seal for attestation of licensure and other
23 official papers and documents.

24 8. Employ temporary or permanent personnel as it deems necessary.

25 9. Conduct investigations and determine on its own motion if a
26 licensee or an applicant has engaged in unprofessional conduct, is
27 incompetent or is mentally or physically unable to engage in the practice of
28 behavioral health.

29 10. Conduct disciplinary actions pursuant to this chapter and board
30 rules.

31 11. Establish and enforce standards or criteria of programs or other
32 mechanisms to ensure the continuing competence of licensees.

33 12. Establish and enforce compliance with professional standards and
34 rules of conduct for licensees.

35 13. Engage in a full exchange of information with the licensing and
36 disciplinary boards and professional associations for behavioral health
37 professionals in this state and other jurisdictions.

38 14. ESTABLISH A CONFIDENTIAL PROGRAM FOR THE MONITORING OF LICENSEES
39 WHO ARE CHEMICALLY DEPENDENT AND WHO ENROLL IN A REHABILITATION PROGRAM THAT
40 MEETS THE CRITERIA PRESCRIBED BY THE BOARD. THE BOARD MAY TAKE FURTHER
41 ACTION IF A LICENSEE REFUSES TO ENTER INTO A STIPULATED AGREEMENT OR FAILS TO
42 COMPLY WITH THE TERMS OF A STIPULATED AGREEMENT. IN ORDER TO PROTECT THE
43 PUBLIC HEALTH AND SAFETY, THE CONFIDENTIALITY REQUIREMENTS OF THIS PARAGRAPH
44 DO NOT APPLY IF A LICENSEE DOES NOT COMPLY WITH THE STIPULATED AGREEMENT.

B. The board may join professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of behavioral health, protect the health and welfare of the public or assist and facilitate the work of the board.

Sec. 2. Section 32-3272, Arizona Revised Statutes, is amended to read:
32-3272. Fees

A. The board shall establish and charge reasonable fees of not to exceed ~~two hundred fifty~~ FIVE HUNDRED dollars for issuance ~~and renewal~~ of a license issued pursuant to this chapter AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR RENEWAL OF A LICENSE ISSUED PURSUANT TO THIS CHAPTER.

B. The board shall establish fees to produce monies that approximate the cost of maintaining the board and the credentialing committees.

Sec. 3. Section 32-3273, Arizona Revised Statutes, is amended to read:
32-3273. License renewal; continuing education

A. A license issued pursuant to this chapter is renewable ~~biennially~~ ANNUALLY by paying the renewal fee prescribed by the board and submitting evidence satisfactory to the appropriate credentialing committee of completion of relevant continuing education experience as determined by the appropriate credentialing committee during the previous ~~twenty-four~~ TWELVE month period.

B. The board shall send notice in writing of required relevant continuing education experience to each licensee at least ninety days before the renewal date.

C. A licensee must satisfy the continuing education requirements that are prescribed by the board by rule and that are designed to provide the necessary understanding of ethics, cultural competency, current developments, skills, procedures and treatments related to behavioral health and to ensure the continuing competence of licensees. The board shall adopt rules to prescribe the manner of documenting compliance with this subsection.

Sec. 4. Section 32-3274, Arizona Revised Statutes, is amended effective from and after August 31, 2009, to read:

32-3274. Reciprocity

A. The board may issue a license to a person in that person's particular behavioral health profession if the person is CURRENTLY licensed or certified by another state regulatory agency ~~at an equivalent or higher practice level as determined by the board, pays the fee prescribed by the board~~ THAT HAD MINIMUM EDUCATION, SUPERVISED WORK EXPERIENCE AND CLINICAL SUPERVISION REQUIREMENTS IN EFFECT AT THE TIME THE PERSON WAS LICENSED OR CERTIFIED and ~~meets all of the following requirements~~ THE PERSON DOCUMENTS TO THE BOARD'S SATISFACTION THAT:

- ~~1. Submits a written application prescribed by the board.~~
- ~~2. Is of good moral character. The board's standard to determine good moral character shall not violate federal discrimination laws.~~
- ~~3. Documents to the board's satisfaction proof of initial licensure or certification at an equivalent designation for which the applicant is seeking~~

~~1 licensure in this state and proof that the license or certificate is current~~
~~2 and in good standing.~~

~~3 4. Documents to the board's satisfaction proof that any other license~~
~~4 or certificate issued to the applicant by another state has not been~~
~~5 suspended or revoked. If a licensee or certificate holder has been subjected~~
~~6 to any other disciplinary action, the board may assess the magnitude of that~~
~~7 action and make a decision regarding reciprocity based on this assessment.~~

1. THE LICENSE OR CERTIFICATE WAS ISSUED BEFORE JANUARY 1, 1995.

2. AT THE TIME OF LICENSURE OR CERTIFICATION THE PERSON MET THAT
REGULATORY AGENCY'S MINIMUM EDUCATION, SUPERVISED WORK EXPERIENCE AND
CLINICAL SUPERVISION REQUIREMENTS IN EFFECT AT THE TIME THE PERSON WAS
LICENSED OR CERTIFIED BY THAT REGULATORY AGENCY.

3. THE PERSON PASSED AN EXAMINATION THAT WAS REQUIRED FOR LICENSURE OR
CERTIFICATION BY THAT REGULATORY AGENCY.

4. THE PERSON HAS AT LEAST TEN YEARS OF CONTINUOUS PRACTICE IN
BEHAVIORAL HEALTH.

5. THE PERSON MEETS THE BASIC REQUIREMENTS FOR LICENSURE PRESCRIBED BY
SECTION 32-3275.

~~5.~~ 6. THE PERSON meets any other requirements prescribed by the
board.

B. A PERSON ISSUED A LICENSE PURSUANT TO THIS SECTION SHALL PRACTICE
BEHAVIORAL HEALTH ONLY UNDER THE DIRECT SUPERVISION OF A LICENSEE UNTIL THE
PERSON HAS PRACTICED BEHAVIORAL HEALTH IN THIS STATE FOR TWENTY-FOUR MONTHS.

C. THE BOARD BY RULE MAY PRESCRIBE A PROCEDURE TO ISSUE LICENSES
PURSUANT TO THIS SECTION.

Sec. 5. Section 32-3279, Arizona Revised Statutes, is amended to read:
32-3279. Probationary, temporary and provisional licenses

A. If an applicant does not meet the basic requirements for licensure
prescribed in section 32-3275, the board may issue a probationary license
that is subject to any of the following:

1. A requirement that the licensee's practice be supervised.

2. A restriction on the licensee's practice.

3. A requirement that the licensee begin or continue medical or
psychiatric treatment.

4. A requirement that the licensee participate in a specified
rehabilitation program.

5. A requirement that the licensee abstain from alcohol and other
drugs.

B. If the board offers a probationary license, the board shall notify
the applicant in writing of the:

1. Applicant's specific deficiencies.

2. Probationary period.

3. Applicant's right to reject the terms of probation.

4. Applicant's right to a hearing on the board's denial of the
application.

C. The board by rule may prescribe a procedure to issue temporary licenses. At a minimum, these rules must include the following provisions:

1. A person issued a temporary license may practice behavioral health only under the direct supervision of a licensee.

2. A temporary license expires on the date specified by the board and not more than one year after the date of issuance.

3. A temporary license may contain restrictions as to time, place and supervision that the board deems appropriate.

4. The board may summarily revoke a temporary license without a hearing.

5. The board's denial of a licensure application terminates a temporary license.

D. BEGINNING SEPTEMBER 1, 2009, THE BOARD BY RULE MAY PRESCRIBE A PROCEDURE BY WHICH IT MAY ISSUE A PROVISIONAL LICENSE TO AN APPLICANT WHO DOES NOT MEET THE BOARD'S CURRENT MINIMUM QUALIFICATIONS FOR LICENSURE. AT A MINIMUM THESE RULES MUST INCLUDE THE FOLLOWING:

1. THE APPLICANT MUST HOLD AN EQUIVALENT, UNRESTRICTED LICENSE OR CERTIFICATE FROM ANOTHER STATE OR JURISDICTION CONTINUOUSLY FOR THE SEVEN YEARS IMMEDIATELY BEFORE THE DATE OF APPLICATION AND MUST BE ENGAGED IN THE PRACTICE OF BEHAVIORAL HEALTH FOR A MINIMUM OF EIGHT HUNDRED HOURS EACH YEAR FOR AT LEAST FIVE OUT OF THE LAST SEVEN YEARS IN THE STATE ISSUING THE LICENSE OR CERTIFICATE USED BY THE APPLICANT TO QUALIFY FOR LICENSURE.

2. A PERSON WHO IS ISSUED A PROVISIONAL LICENSE MAY PRACTICE BEHAVIORAL HEALTH ONLY UNDER DIRECT SUPERVISION.

3. A PERSON WHO IS ISSUED A PROVISIONAL LICENSE MAY NOT PRACTICE AT THE INDEPENDENT LEVEL.

4. A PROVISIONAL LICENSE EXPIRES ON THE DATE SPECIFIED BY THE BOARD AND NOT MORE THAN TWO YEARS AFTER THE DATE IT IS ISSUED.

5. A PROVISIONAL LICENSE MAY CONTAIN RESTRICTIONS AS TO TIME, PLACE AND SUPERVISION THAT THE BOARD DEEMS APPROPRIATE.

6. THE BOARD MAY SUMMARILY REVOKE A PROVISIONAL LICENSE WITHOUT A HEARING.

7. THE APPLICANT MUST MEET THE BASIC REQUIREMENTS FOR LICENSURE PRESCRIBED BY SECTION 32-3275.

Sec. 6. Section 32-3321, Arizona Revised Statutes, is amended to read:

32-3321. Licensed substance abuse technician; licensed associate substance abuse counselor; licensed independent substance abuse counselor; licensure; qualifications; supervision

A. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed substance abuse technician shall present evidence satisfactory to the board that the person has:

1. Received ONE OF THE FOLLOWING:

(a) An associate of applied science degree in chemical dependency with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

(b) BEGINNING JANUARY 1, 2009, A BACHELOR'S DEGREE IN A BEHAVIORAL SCIENCE WITH AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE CREDENTIALING COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

2. Passed an examination approved by the substance abuse credentialing committee.

B. A licensed substance abuse technician shall only practice under direct supervision as prescribed by the board.

C. The board may waive the education requirement for an applicant requesting licensure as a substance abuse technician if the applicant provides services pursuant to contracts or grants with the federal government under the authority of ~~P.L. PUBLIC LAW 93-638,~~ (25 United States Code sections 450 through 450(n)) or ~~P.L. PUBLIC LAW 94-437,~~ (25 United States Code sections 1601 through 1683). A person who becomes licensed as a substance abuse technician pursuant to this subsection shall only provide substance abuse services to those PERSONS WHO ARE eligible for services pursuant to ~~P.L. PUBLIC LAW 93-638,~~ (25 United States Code sections 450 through 450(n)) or ~~P.L. PUBLIC LAW 94-437,~~ (25 United States Code section 1601 through 1683).

D. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed associate substance abuse counselor shall present evidence satisfactory to the board that the person has:

1. Received one of the following:

(a) A bachelor's degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university and present evidence satisfactory to that credentialing committee that the applicant has received at least two years of work experience in substance abuse counseling under supervision approved by the substance abuse credentialing committee.

(b) A master's degree or a higher degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

2. Passed an examination approved by the substance abuse credentialing committee.

E. A licensed associate substance abuse counselor shall only practice under direct supervision as prescribed by the board.

F. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed independent substance abuse counselor shall:

1. Have received a master's degree or higher degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

1 2. Present evidence satisfactory to the substance abuse credentialing
2 committee that the applicant has received at least two years of work
3 experience in substance abuse counseling under supervision approved by that
4 committee.

5 3. Pass an examination approved by the substance abuse credentialing
6 committee.

7 Sec. 7. Repeal

8 Laws 206, chapter 291, section 5 is repealed.

9 Sec. 8. Exemption from rule making

10 For the purposes of this act, the board of behavioral health examiners
11 is exempt from the rule making requirements of title 41, chapter 6, Arizona
12 Revised Statutes, for two years after the effective date of this act.

13 Sec. 9. Requirements for enactment; two-thirds vote

14 Pursuant to article IX, section 22, Constitution of Arizona, this act
15 is effective only on the affirmative vote of at least two-thirds of the
16 members of each house of the legislature and is effective immediately on the
17 signature of the governor or, if the governor vetoes this act, on the
18 subsequent affirmative vote of at least three-fourths of the members of each
19 house of the legislature.